

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TRIA BEAUTY, INC.,)
Plaintiff,)
vs.)
RADIANCY, INC.,)
Defendant.)

RADIANCY, INC.,)
Counterclaim Plaintiff,)
vs.)
TRIA BEAUTY, INC.,)
Counterclaim Defendant,)
and)
KIMBERLY KARDASHIAN,)
Counterclaim Defendant.)

[PROPOSED] ORDER GRANTING STIPULATED REQUEST FOR PROPOSED MODIFICATION TO CASE MANAGEMENT ORDER
Case No. 10-5030 RS

1 Having considered the parties' Stipulated Request for Expedited Briefing Schedule and
 2 Proposed Modification to Case Management Order, and good cause appearing therefor, the
 3 Court orders as follows:

4 1. Expedited Briefing Schedule. Pursuant to Civil L.R. 6-2, and as stipulated by the
 5 parties, Plaintiff / Counter-Defendant TRIA Beauty, Inc., and Counter-Defendant Kimberly
 6 Kardashian shall have seven (7) calendar days from the date hereof in which to file their
 7 opposition to the Motion for Relief of Case Management Scheduling Order filed by
 8 Defendant/Counterclaim-Plaintiff Radiancy, Inc. on March 1, 2012 ("Motion for Relief").
 9 Radiancy shall have three (3) calendar days to file its reply, if any, to Counter-defendants'
 10 opposition. The parties shall make themselves available for argument or conference at the
 11 Court's option, upon notice.

12 2. Case Management Scheduling Order. As stipulated by the parties, the current Case
 13 Management Scheduling Order (D.I. 98), entered January 24, 2012, is hereby modified as
 14 follows:

15 a) Pending disposition of the Motion for Relief, the period for non-expert
 16 discovery shall be reopened for the sole purpose of completing certain depositions and
 17 the provision of certain additional information regarding damages, as agreed-upon by the
 18 parties.

19 b) Pending disposition of the Motion for Relief, the parties shall not be required
 20 to exchange expert disclosures or reports. If the Motion for Relief is granted, the parties
 21 shall comply with expert disclosure deadlines as reset by this Court. If the Motion for
 22 Relief is denied, the schedule for expert disclosures and reports shall be as follows:

23 (i) Expert disclosures and reports on any liability issue as to which a
 24 party has the burden of proof ("Opening Reports") shall be served via electronic
 25 mail within one (1) business day of the issuance of this Court's denial of the
 26 Motion for Relief.

(ii) Rebuttal expert disclosures and reports on any liability issue shall be served via electronic mail within twenty-one (21) calendar days (i.e., three weeks) from service of Opening Reports.

(iii) Expert disclosures and reports on any damages issue as to which a party has the burden of proof (“Opening Damages Reports”) shall be served via electronic mail within fourteen (14) days of the completion of any additional relevant discovery as specified in Paragraph 2(a) above.

(iv) Rebuttal expert disclosures and reports on any damages issue shall be served via electronic mail within twenty-one (21) calendar days (i.e., three weeks) from service of Opening Damages Reports.

The above modifications do not affect any other remaining deadlines set forth in the current Case Management Order.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 3/5/12


RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE